

EXHIBIT CC

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

HITUL GANDHI, Individually,)	
and on behalf of a class)	
of others similarly situated,)	
)	
Plaintiff,)	
v.)	Case No.
)	1:08cv-00248-SS
DELL INC.,)	
and)	
DELL MARKETING USA L.P.,)	
)	
Defendants.)	
_____)	

DEPOSITION OF:

JOSHUA BARKER

Taken on Behalf of the Defendants

November 3, 2008

VOWELL & JENNINGS, INC.
Court Reporting Services
207 Washington Square Building

214 Second Avenue North

Nashville, Tennessee 37201

(615) 256-1935

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1 A. It did. And then my manager was --
 2 there was a myriad of people. Oh, gosh, what is
 3 his name? Charlie McCarter. I think that was it.
 4 I think it was just Charlie McCarter.
 5 Q. And then your next job was LOR?
 6 A. Uh-huh.
 7 Q. And who was your manager at LOR?
 8 A. Wesley Bishop.
 9 Q. Is that the only manager?
 10 A. No. He was the initial manager, and we
 11 changed like three more times.
 12 Q. Can you remember any of the others?
 13 A. Sean Young, who was the manager. Yeah,
 14 Sean Young. And then there was -- he's now an RSM
 15 in Texas. Oh, gosh, what is his name? We never
 16 saw him anyway.
 17 Q. Was he here?
 18 A. He was here, but then he moved. Now
 19 he's doing -- he's doing the RSM position for us.
 20 He's from Louisville. I can see his face, but I
 21 can't remember his name.
 22 Q. Louisville, Kentucky?
 23 A. Yeah.
 24 Q. And then who replaced him?
 25 A. Elizabeth Casey. She was my last

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1 manager. I only had her for a month.
 2 Q. How long was the fellow from Louisville
 3 your manager?
 4 A. Like two months. He transitioned in
 5 and out of RSM. He was RSM and then he was not
 6 and then he was again.
 7 Q. And RSM is one level up?
 8 A. Yeah. Yeah.
 9 Q. Your manager would report to an RSM?
 10 A. Correct.
 11 Q. Now, how did you keep your time when
 12 you worked at Dell?
 13 A. Through a program called Kronos.
 14 Q. And did you enter your own time or was
 15 it entered automatically?
 16 A. I entered my own.
 17 Q. And did that stay the case the whole
 18 time you worked at Dell?
 19 A. Yes, sir.
 20 Q. What were you told about entering time?
 21 How were you -- what instructions were you given?
 22 A. To go into this program and enter our
 23 time.
 24 Q. And were you told when -- what times to
 25 enter or was that just what you actually felt like

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1 you should put in?
 2 A. Well, we were told that we should be --
 3 you know, we should normally put in, you know,
 4 8:00 to 5:00, because that's what we worked, or
 5 whatever the schedule was at the time. When I was
 6 on the queue, it fluctuated some.
 7 Q. Who told you that?
 8 A. I mean, to start, you know, the
 9 managers. You know, we should be working 8:00 to
 10 5:00 and, you know, we shouldn't really put in
 11 anything that, you know, wasn't true, obviously.
 12 And if we took our -- if we took like a PBA day or
 13 vacation day, to also log that.
 14 Q. How were you paid? What was the basis?
 15 Were you salaried, hourly?
 16 A. Wish I knew.
 17 Q. What did you understand?
 18 A. I understood that we were salaried
 19 employees. However, when asking for clarification
 20 based upon some of the things that -- that
 21 happened, I didn't quite understand and never
 22 could get clarification on it. The way that I
 23 understood it is that if we had to take time off,
 24 we had to have time off to take, was essentially
 25 the way that it worked. And they said we give you

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1 three different, you know, ways to take time off:
 2 either vacation, floating holiday or PBA. If you
 3 were there for three calendar years, you got an
 4 extra week of vacation.
 5 Q. Let me back up. What's PBA stand for?
 6 A. Personal business allowance.
 7 Q. All right. I interrupted you. So --
 8 A. No, that's fine.
 9 Q. So you understood you had these three
 10 methods of accounting for time. What else --
 11 A. If we were off.
 12 Q. If you were off. What else did you
 13 understand?
 14 A. That's basically it. We had to -- we
 15 had to either be there or have time off to take.
 16 Q. And who told you that?
 17 A. Managers from day one. I mean, that
 18 was just the basic understanding. If we didn't
 19 have time off to take, we couldn't take time off.
 20 Q. Did that ever happen to you, that you
 21 had --
 22 A. Personally, that I had to take any
 23 extra time off, no.
 24 Q. What about anyone that you're aware of?
 25 A. I didn't really discuss that with

5 (Pages 14 to 17)